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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3
4 SHAWN DRUMGOLD,
5 Plaintiff,
6
7 V. Case No. 04-11193NG
8
9 TIMOTHY CALLAHAN, FRANCIS
10 M. ROACHE, PAUL MURPHY,
11 RICHARD WALSH and THE
12 CITY OF BOSTON,
13 Defendants
14
15 DEPOSITION OF RICKEY EVANS, a
16 witness called to testify by and on behalf of
17 the Defendants, pursuant to the applicable
18 rules of the Federal Rules of Civil
19 Procedure, before M. ELAINE GANSKA, a
20 Stenographic Reporter and Notary Public in
21 and for the Commonwealth of Massachusetts, at
22 the offices of Bonner Kiernan Trebach &
23 Crociata, Attorneys at Law, One Liberty
24 Square, Boston, Massachusetts, on Monday,
June 26, 2006, commencing at 10:25 a.m.
FEDERAL COURT REPORTERS
781-585-6741 978-535-8333

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1 STIPULATIONS
2 It is hereby stipulated and agreed
3 by and between Counsel for the respective
4 parties that the Deponent shall read and sign
5 the deposition transcript within 30 days of
6 receipt under the pains and penalties of
7 perjury.
8 It is further stipulated that all
9 objections, except as to form, and motions to
10 strike are reserved to the time of trial.
11 PROCEEDINGS
12 RICKEY EVANS, a witness called for
13 examination by Counsel for the Defendants,
14 having been satisfactorily identified and
15 duly sworn, was examined and testified as
16 follows:
17 EXAMINATION BY MR. CURRAN
18 Q. Good morning, Mr. Evans. My name is Hugh
19 Curran. I'm an attorney at Bonner Kiernan
20 Trebach & Crociata. I represent Detective
21 Richard Walsh in this matter.
22 Before we begin this morning, I'm
23 just going to give you a few instructions to
24 follow, and that's for the benefit of

1 everybody here. First, at any time if you
2 need to take a break for any reason, whether
3 it's to speak to your attorney or to get up
4 and stretch, use the facilities, just
5 indicate to me that you'd like to take a
6 break, and we'll take a break at the
7 appropriate time. We will require that you
8 answer any question that's before you, okay?
9 A. Yes.
10 Q. It's also very important this morning that
11 you give a verbal response, and the reason
12 being is that if you nod your head or shrug
13 your shoulders, the court stenographer
14 can't --
15 A. Yeah.
16 Q. -- take everything down.
17 It's also very important this
18 morning that you wait until I finish the
19 question, and in return I will wait for you
20 to finish your answer, and the reason for
21 that is that if we're both speaking at the
22 same time, the court reporter can't make a
23 clear record of what's happening today. Do
24 you understand that?

1 A. Yeah.
2 Q. If you answer a question today --
3 MR. CURRAN: Strike that.
4 Q. If I ask you a question and you don't
5 understand it, just indicate to me that you
6 don't understand the question, and I'll try
7 to rephrase it in a manner to the best of my
8 ability that will allow you to understand the
9 question. If you answer a question today,
10 it's presumed that you understood the
11 question and you're answering it truthfully,
12 accurately, and completely to the best of
13 your ability. Do you understand that?
14 A. Yes.
15 Q. Okay. And I'm just going to show you a
16 subpoena and notice of deposition. There's
17 two separate documents. I just ask that you
18 take a look at those (handing documents).
19 (Pause)
20 A. Okay.
21 Q. Have you had a chance to review these two
22 documents?
23 A. Yes, I have.
24 Q. Okay.

1 A. No.
2 Q. Did you know Maxine Davis?
3 A. No.
4 Q. Did you know Therone Davis?
5 A. Yes.
6 Q. Okay. How'd you know Therone Davis?
7 A. By his nickname.
8 Q. What was his nickname?
9 A. Apple.
10 Q. And how'd you know Therone?
11 A. He used live on -- he used to live on
12 Castlegate.
13 Q. What was your relationship --
14 A. There was -- wasn't -- we didn't have -- we
15 didn't actually have a relationship. You
16 know, I used to see -- I'd just see him --
17 you know, he used -- I used to -- he used to
18 ride a bike. He used to ride a bike like
19 through the neighborhood. I knew him like
20 through other people.
21 Q. Who'd you know him through?
22 A. I don't -- I can't recall anybody's name.
23 Q. Okay. What was your relationship with him?
24 A. With Therone? We basically didn't have a

1 relationship 'cause I didn't -- I didn't deal
2 with -- I didn't deal with Castlegate because
3 it was all trouble.
4 Q. Okay. Did you have any problems with Therone
5 Davis?
6 A. No, I didn't -- I didn't get -- I didn't have
7 a -- I didn't like get in trouble with
8 anybody back then. You know, I used to
9 basically keep to myself.
10 Q. Okay. Do you know Wayne Davis?
11 A. Wayne? No.
12 Q. From Crawford street?
13 A. Crawford, I'm trying to picture Crawford.
14 I've seen Wayne, yeah. He was a skinny --
15 skinny guy? I remember Wayne, a skinny guy,
16 yes.
17 Q. Okay. And was Wayne your age?
18 A. Round about my age.
19 Q. Okay.
20 A. Not older.
21 Q. Okay. And what was your relationship with
22 him?
23 A. We didn't have a relationship.
24 Q. Would you see him on Humboldt?

1 A. Yes.
2 Q. Okay. How often would you see him on
3 Humboldt?
4 A. I can't say that because I don't know.
5 Q. Okay.
6 A. I mean I don't know how many times you
7 talking about seeing them a week or a month.
8 Q. How about Duane (phonetic) Davis? Do you
9 know a Duane?
10 A. No.
11 Q. Okay. How about Caryn Delahunt?
12 A. No.
13 Q. Okay. How about Ronald Downs?
14 A. No.
15 Q. How about a Paul Durand?
16 A. Paul?
17 Q. Durand, D-U-R-A-N-D.
18 A. No.
19 Q. Okay. Now is Eloise Graham related to you?
20 A. Eloise, no.
21 Q. Okay. And Sheila Evans was your sister?
22 A. Sheila Evans?
23 Q. Do you have a sister?
24 A. Sheila Evans. I have a sister named Sheila

1 Evans, but she don't live in Boston.
2 Q. Where does she live?
3 A. She live in Minnesota.
4 Q. Whereabouts in Minnesota?
5 A. Minneapolis.
6 Q. How long has she lived there?
7 A. All her life.
8 Q. Okay. Did she ever live in Boston?
9 A. No.
10 Q. Okay.
11 A. Sheila, I have a niece named Sheila Evans.
12 Q. Okay. Why don't we move back then.
13 You have a sister, Sheila Evans,
14 that lives in Minneapolis?
15 A. Yes.
16 Q. And she always lived there?
17 A. Yes, always lived there.
18 Q. Never moved to Massachusetts with you?
19 A. No.
20 Q. All right. You have a niece, Sheila Evans?
21 A. Mm-hmm.
22 Q. Okay. And who's --
23 A. She's only 17. She wasn't born back then.
24 Q. Okay. All right. She's just 17 now?

1 A. Mm-hmm.
2 Q. All right. How many brothers and sisters do
3 you have?
4 A. In all, 15.
5 Q. Okay. Why don't we just deal with the
6 brothers and sisters that have lived in the
7 Boston area.
8 A. Mm-hmm. Do you want to know their names?
9 Q. Yes.
10 A. Roy Evans.
11 Q. Did Roy Evans live with you in 1988 and '89?
12 A. No, I live with him.
13 Q. Okay. And where was --
14 A. 3 Trull Street.
15 Q. Is that in Dorchester?
16 A. Yes.
17 Q. All right. And was he married?
18 A. No, he never got married.
19 Q. Did he have children?
20 A. Yes, he have children. He have Sheila;
21 Sheila, Desmond, and Olinthia (all phonetic).
22 Q. Are they all young children now?
23 A. Yes.
24 Q. Okay. Were they alive at the time --

1 A. No.
2 Q. What other brothers and sisters do you have
3 in the Boston area?
4 A. Tony Graham, Lidell Graham, Bobby Graham,
5 Carolyn Graham, and Desmond Graham.
6 Q. Okay. And you just indicated to me that --
7 before that a couple of your siblings are
8 incarcerated?
9 A. Mm-hmm, Lidell and Ellis.
10 Q. Okay. And --
11 A. Desmond is Ellis.
12 Q. Ellis, okay.
13 How long have they been
14 incarcerated?
15 A. Lidell, he been incarcerated since February.
16 Q. Okay. So you're -- Lidell, older or younger?
17 A. Younger.
18 Q. Okay. How old was he at the time this
19 incident occurred?
20 A. He was -- I am -- I'm a year older than he
21 is. He's 35. He's 35.
22 Q. Okay. Did he run or associate with any
23 gangs?
24 A. No.

1 Q. Where did he live?
2 A. Lidell?
3 Q. Back in '88, '89, '90.
4 A. I don't recall. I don't remember. I don't
5 recall where he -- where he used to live.
6 But we all -- we all grew up on Elm Hill, 63
7 Elm Hill Ave.. All the names I gave you
8 here, we all grew up on 63 Elm Hill Ave. when
9 we first got -- when we first -- 'cause we
10 all came to Boston the same time.
11 Q. Okay. Where's Tony Graham live?
12 A. He live off of Blue Hill Ave.
13 Q. On what street?
14 A. It begins with an I. It begins with an I.
15 Ingleside.
16 Q. Okay. Did he ever run or associate with a
17 particular gang?
18 A. No.
19 Q. And is he older or younger?
20 A. He's older.
21 Q. How old is he?
22 A. He's 38.
23 Q. Okay. Was he living with you back in '88,
24 '89?

1 Q. She related to you?
2 A. No.
3 Q. Okay. But you knew an Obie Graham?
4 A. Yeah, I knew Obie.
5 Q. Okay. What is your relationship with Obie?
6 A. Just seeing him on the street. I used to see
7 him on the street. That was about it.
8 Q. Okay.
9 A. I didn't have a relationship with him.
10 Q. All right. And Olisa or Lisa Graham, did you
11 know her?
12 A. Just the name sounds familiar.
13 Q. Okay. How about Tara Grant?
14 A. Tara Grant, no.
15 Q. Dedrick Gunn?
16 A. No.
17 Q. How about Paul Hadley?
18 A. No.
19 Q. Denise Hall?
20 A. No.
21 Q. Diane Hall?
22 A. No.
23 Q. Rhonda Hamilton?
24 A. No.

1 A. No.
2 Q. Roy?
3 A. No.
4 Q. Okay. And Roy is younger or older?
5 A. Older.
6 Q. And how old?
7 A. He's 40.
8 Q. Did he, when growing up in the '80s and '90s,
9 associate with any particular gang?
10 A. No.
11 Q. Okay. How about Bobby?
12 A. No. See, we had -- we had a type of father
13 where you didn't run with gangs, you know, if
14 there was a gang or no other gang, and so
15 none of us -- none of us was ever involved in
16 a gang.
17 Q. Is your father still alive?
18 A. No, he passed.
19 Q. How long ago?
20 A. Around four or five months ago.
21 Q. Okay. Where does Bobby live?
22 A. Bobby, he lives in Dorchester.
23 Q. Do you know what street?
24 A. No, I don't.

1 Q. Did you know Romero Holiday?
2 A. No.
3 Q. Okay. Didn't know Romero Holiday from
4 Castlegate?
5 A. I didn't hang -- I never went -- I never hung
6 with Castlegate.
7 Q. Do you know any of the Castlegate -- kids
8 that hung up on Castlegate?
9 A. I knew a -- I knew a couple. I knew -- I can
10 remember seeing a couple, but I can't
11 remember their names.
12 Q. All right. Did you know Gemini Hullum?
13 A. Gemini, no.
14 Q. Did you know Mary Ellen Jackson?
15 A. No.
16 Q. Do you remember a Kathy Jamison?
17 A. No.
18 Q. Do you remember her by her nickname, Monty?
19 A. No.
20 Q. Okay. Troy Jenkins?
21 A. Yes.
22 Q. How'd you know Troy?
23 A. We grew up -- he lived in the building next
24 to mine.

1 Q. Where's Carolyn live?
2 A. She live by Eggleston Station. I don't -- I
3 can't recall the name of her street, but it's
4 the one -- a street next to Seaver, off
5 Seaver Street.
6 Q. And Ellis is currently incarcerated?
7 A. Yes.
8 Q. How long's he been incarcerated?
9 A. He's been incarcerated, I'd say -- I think
10 about a year.
11 Q. Okay. Did he run at any time with any --
12 A. No.
13 Q. -- particular gangs in the neighborhood?
14 A. No.
15 Q. Okay. Do you know Edna Freeman?
16 A. No.
17 Q. From Homestead Street?
18 A. No.
19 Q. Did you know a Travis Goss?
20 A. No.
21 Q. Okay. Did you know a Cheryl Graham?
22 A. Cheryl?
23 Q. Yes.
24 A. No.

1 Q. Okay. And what was your relationship with
2 Troy?
3 A. Friends.
4 Q. Okay. Did he associate with Michael Watson?
5 A. Yes.
6 Q. And Mervin Reese?
7 A. Yes.
8 Q. And...
9 A. Tyrone Brewer.
10 Q. And did you know him to be one of the
11 Humboldt group?
12 A. Who?
13 Q. Troy Jenkins.
14 A. No, I didn't hang -- I didn't -- I wasn't --
15 I wasn't into gangs.
16 Q. Okay. Did you know him to be hanging out
17 with the Humboldt Gang?
18 A. I know he used to hang with them, Humboldt,
19 yes.
20 Q. Did you know Eric Johnson?
21 A. That sounds familiar. The name sounds
22 familiar.
23 Q. How about Travis Johnson?
24 A. No.

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1 Judge Houston in Roxbury District Court
 2 (handing document).
 3 A. I don't remember that.
 4 Q. Okay. All right. And is it fair to say that
 5 118 Elm Hill Ave. was an area where your
 6 family was living?
 7 A. Yes.
 8 Q. All right. And was that the address that
 9 they had been -- that you had been evicted
 10 from?
 11 A. No, it was 63 --
 12 Q. All right.
 13 A. -- that my family, my stepmother was
 14 evicted --
 15 Q. And these are relatives or --
 16 A. Yes, relatives.
 17 Q. -- immediate famiy?
 18 A. Immediate.
 19 Q. All right. And on occasion you would stay
 20 with them?
 21 A. Yeah, you could --
 22 Q. All right.
 23 A. -- say that, yes.
 24 Q. All right. And were there occasions when

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1 they told you that you couldn't stay there
 2 any longer?
 3 A. No.
 4 Q. All right. In any event, you bounced around
 5 from --
 6 A. Yes.
 7 Q. -- place to place?
 8 And eventually you were arraigned
 9 and appointed an attorney the next day?
 10 A. I don't recall that trespass. I don't recall
 11 that.
 12 Q. All right.
 13 A. I don't -- I don't recall Benchmark ever
 14 giving me a trespass.
 15 Q. All right. Do you know what Benchmark is?
 16 A. It's a security company, a security -- it
 17 secures the buildings.
 18 Q. Okay. And that's the buildings on Elm Hill
 19 Avenue?
 20 A. Mm-hmm.
 21 Q. All right. And do you recall being assigned
 22 an Attorney Hazenstat (phonetic)?
 23 A. No, I don't remember.
 24 Q. No? Attorney David Hazenstat?

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1 A. No.
 2 Q. All right. And in fact you made bail and
 3 were released and ordered to stay away from
 4 that area?
 5 A. Could have been, but I don't remember.
 6 Q. Okay. All right. And eventually the matter
 7 was continued, November 3rd, 1988, at which
 8 point you defaulted?
 9 A. Could have been.
 10 Q. All right. The next intake on this was
 11 December 8th, 1988, and the name of Tyrone
 12 Corey was used? Do you remember using that
 13 name, Tyrone Corey, gave them the 40 Cheney
 14 Street, Roxbury, address?
 15 MR. MCCALL: What docket number is
 16 that?
 17 MR. CURRAN: 8802CR12030.
 18 MR. MCCALL: I don't believe that
 19 one's on the record.
 20 MR. CURRAN: Okay.
 21 BY MR. CURRAN:
 22 Q. I'll show you what's been marked as Exhibit
 23 36 (handing document).
 24 (Pause)

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1 A. On Cheney Street?
 2 Q. Yes. Well the incident occurred, again, on
 3 Elm Hill Ave.
 4 A. I don't...
 5 Q. Did you use the name Tyrone Corey before?
 6 A. I used the name Tyrone Corey before, yes.
 7 Q. And did you just create that name?
 8 A. Yes.
 9 Q. All right. So it's not an individual that --
 10 A. It could have been.
 11 Q. -- gave it to you or --
 12 A. It could have been. No. I remember using
 13 Tyrone Corey.
 14 Q. All right. In any event, again, this is for
 15 trespassing, disorderly person; date of
 16 offense, December 8th, 1988; place of
 17 offense, Elm Hill Avenue. Do you recall that
 18 incident?
 19 A. No.
 20 Q. All right. Do you know a police officer by
 21 the name of Richie Gilford?
 22 A. No.
 23 Q. All right. How about Officer Pettis
 24 (phonetic)?

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1 A. No, I don't remember that name.
 2 Q. All right. And how about Evelyn Davis?
 3 A. Evelyn Davis.
 4 Officer?
 5 Q. Yes.
 6 A. No, I don't.
 7 Q. All right. And I'm showing you that this
 8 offense that took place on December 8th,
 9 1988, occurred at 118 Elm Hill Avenue
 10 (handing document) on the application for
 11 complaint sworn to by the officers
 12 (pointing).
 13 A. I don't -- it must have been somebody else
 14 because here it got my mother's last -- my
 15 mother's name, and then over here, father's
 16 name, they got George.
 17 Q. Okay. Do you recall whether or not your
 18 mother's name is accurate there?
 19 A. Yes, my mother's name is accurate. But I
 20 never was -- I never said -- told anything
 21 else about my parents.
 22 Q. All right. Did you provide a date of birth,
 23 8/13/69?
 24 A. That's my birthday.

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1 Q. All right. And you're how tall?
 2 A. Five five.
 3 Q. Okay. How much did you weigh back then?
 4 A. Phew. Hmmm. Basically the same, about 190.
 5 Q. Do you have any memory of being -- being
 6 arraigned in this case and being appointed an
 7 attorney?
 8 A. No.
 9 Q. All right. All right.
 10 MR. CURRAN: And this is -- for
 11 the record, is a matter that appears to still
 12 be open in the Roxbury District Court?
 13 MR. MCCALL: (Nods head).
 14 BY MR. CURRAN:
 15 Q. Next exhibit number -- oh, we did this one.
 16 Exhibit Number 37. Docket 8802CR12175; date
 17 of offense, December 13th, 1988; date of
 18 complaint, December 14th, 1988. Do you
 19 recall being arrested by Police Officer
 20 Gilford again and Officer Pickney for giving
 21 the name Tyrone Corey, 40 Cheney Street,
 22 Apartment Number 6?
 23 MS. SCAPICCHIO: Objection to
 24 "again."

<p>Page 199</p> <p>1 (Interruption) 2 (Attorney White leaves room) 3 A. Plead the fifth on that one. 4 Q. Okay. Do you remember being arrested? 5 A. No. 6 Q. All right. Do you dispute that this is you 7 that's been arrested in this case? 8 A. It could be me because -- 9 MR. MCCALL: Don't... 10 A. I take the Fifth. 11 Q. All right. In any event, in -- the record 12 indicates that you were arraigned on 13 December 14th, 1988, and gave the name Tyrone 14 Corey and the court document changed the name 15 to Rickey Evans, okay? Do you recall being 16 arraigned on this matter? 17 A. No. 18 Q. Okay. And do you recall going back to court 19 on March 28th, 1989? 20 A. No, I don't remember going back to court. 21 Q. Okay. Do you recall being in court on 22 January 16th, 1990? 23 A. '90, no. 24 Q. Do you recall going back to court on this</p>	<p>Page 202</p> <p>1 A. Yes. 2 Q. All right. Going up, you had numerous other 3 matters where you've been in court in the 4 Dedham District Court for compulsory 5 insurance violations? 6 A. Yes. 7 Q. That's the next offense, July 27th, 1994? 8 A. Mm-hmm. 9 Q. You were back in Roxbury District Court on 10 November 22nd, 1994? 11 A. Roxbury? 12 Q. Yes, for knowingly receiving stolen property 13 and operating without a license? 14 A. I don't remember that. 15 Q. Okay. January 16th, 1996, you were back in 16 Roxbury District Court for assault and 17 battery and threats? 18 A. Yes. 19 Q. All right. January 18th, 1996, you were back 20 in Roxbury District Court for violating a 21 restraining order? 22 A. Yes. 23 Q. All right. You were in Fall River District 24 Court for operating after suspension?</p>
<p>Page 200</p> <p>1 matter at any time from the date of 2 December 14th, 1988, to the present? 3 A. I don't recall because back then I did a lot 4 of defaults, and -- 5 Q. All right. 6 A. -- I can't recall the dates. 7 Q. All right. Is it fair to say that at the 8 time of -- in September of '89 and December 9 of '89 when Treas Carter pled guilty to the 10 murder of your cousin and the shooting of you 11 that you did not have any adult convictions 12 at that time? 13 A. No, I did not have any adults, not that I 14 recall, no. 15 Q. All right. Based on review of the records, 16 it's fair to say that you had some pending 17 matters, but you did not have any adult 18 convictions? 19 A. That's what I think, yes. 20 Q. All right. 21 A. I think so. 22 Q. Since then you've had quite a number of 23 entries, correct? 24 A. A few.</p>	<p>Page 203</p> <p>1 A. Yes. 2 Q. On January 29th, 2001? 3 A. Yes. 4 Q. You were in South Boston District Court on 5 April 22nd, 2002, for operating after 6 suspension, for a license violation? 7 A. South Boston? 8 Q. Yes. 9 A. Yes. 10 Q. All right. You were also in Dorchester 11 District Court on December 21st, 2005, for 12 attaching plates, knowingly receiving stolen 13 property, possession of Class D, and 14 compulsory insurance violations -- 15 A. Yes. 16 Q. -- correct? 17 And you then were back in 18 Dorchester -- I'm sorry. Then you were in 19 Cambridge District Court, which is pending 20 matters now, two separate pending matters 21 from date of offenses January 11th, 2006, and 22 January 17th, 2006, correct? 23 A. Correct. 24 Q. All right. And on February 24th, 2006, you</p>
<p>Page 201</p> <p>1 Q. Okay. If I was to tell you that I counted 2 them at lunch and there were 19 total entries 3 in your adult record? 4 A. Nineteen? 5 Q. (Nods head) 6 A. (Shakes head) 7 Q. Okay. Would you consider 19 a lot? 8 A. Yes. 9 Q. All right. In any event, going through your 10 record, in July 31st, 1990, you had a case in 11 Dorchester District Court, knowingly 12 receiving stolen property and operating after 13 suspension. 14 A. Yes, I remember that. 15 Q. And you received a suspended sentence in that 16 case? 17 A. No. 18 (Witness/attorney discussion off 19 the record) 20 A. Yes 21 Q. Okay. And you -- the terms and conditions of 22 probation were not honored, and you were 23 violated and committed in March of 1995 for 24 six months?</p>	<p>Page 204</p> <p>1 have a matter pending in Dorchester District 2 Court? 3 A. Correct. 4 Q. Is it fair to say that in all those entries 5 you've been either appointed by counsel or 6 represented by counsel? 7 A. Yes. 8 Q. All right. And you've had a chance to 9 discuss your cases and your background with 10 the attorneys that have represented you to 11 help you in those matters? 12 A. Yes. 13 Q. All right. And there are currently how many 14 cases open in Roxbury that you're aware of? 15 A. One, two. 16 (Pause) 17 A. Four. 18 Q. Okay. All right. The officers that -- and 19 any police department personnel that were 20 handling the investigation and prosecution of 21 Treas Carter, did they offer you anything in 22 return for your testimony regarding any 23 pending criminal cases? 24 MS. SCAPICCHIO: Objection, asked</p>